

CESA INCIDENTAL TAKE PERMIT

- FGC 2081(b) authorizes the Department to issue permits authorizing take of endangered, threatened, or candidate species that is incidental to an otherwise lawful activity.
- Term of Permit is commensurate with lifetime of project

CESA INCIDENTAL TAKE PERMIT PROCESS

- Permit Timelines
 - Pre-Project – Early Consultation
 - Specified in Regulation Title 14 CCR 783.0
 - 30 day Application review process
 - Application accepted as complete, 90 days to issue Final Permit
 - One-time 60 day extension for complex project
 - Maximum time for Permit Processing 150 days

CESA CONSISTENCY DETERMINATION

- FGC 2080.1 provides a process for the Department to issue a determination that a federal incidental take permit or statement is consistent with CESA.
- This allows a person to take an endangered, threatened, or candidate species that is also listed under federal law in accordance with the federal incidental take permit or statement without a separate take authorization or approval under CESA.

CESA CONSISTENCY DETERMINATION PROCESS

- BO or Take Statement Conditions must be consistent with CESA criteria and standards
 - Avoid take where feasible
 - Minimize take to extent practical
 - Compensate for take where unavoidable
- Species being covered must be both State and Federally Listed

CESA CONSISTENCY DETERMINATION PROCESS

- If determination finds BO or Take Statement inconsistent with CESA:
 - DFG cannot add terms, conditions, mitigation measures to determination to achieve CESA standards
 - a 2081(b) Incidental Take Permit will be required for the project

LAKE and STREAMBED ALTERATION AGREEMENT (LSAA)

- Required if project will “cause substantial alteration to the bed, bank, or channel of a river, lake or stream
- Provide conditions to minimize and mitigate the project impacts.

LAKE and STREAMBED ALTERATION AGREEMENT (LSAA) PROCESS

- Timelines

- Pre-Project – Early Consultation
- Specified in Statute F&G Code 1600 et.seq
 - 30 day notification review process
 - Application accepted as complete, 90 days to issue Draft Agreement
 - Arbitration Process to resolve disputed conditions

The background of the slide is a faded, artistic image of a rolling landscape with numerous wind turbines scattered across the hills. The image has a soft, ethereal quality with a light blue and green color palette. In the top left corner, there is a small yellow icon resembling a stylized building or a set of vertical bars.

CEQA COMPLIANCE FOR CESA AND LSAA PERMITS

- Issuance of a CESA ITP or LSAA is a “Project” under CEQA
 - DFG as Lead Agency
 - Extends permitting time line to allow for completion of CEQA Process
 - DFG as Responsible Agency

Permit Matrix

Projects > 50 MW on Private Lands

	CEC	CPUC	LOCAL	BLM	USFWS*	CDFG**
Wind	--	PPA Approval	CEQA/ CUP	--	FESA Section 10a or Section 7	CESA ITP or NCCP/ LSAA
Solar PV	--	PPA Approval	CEQA/ CUP	--	FESA Section 10a or Section 7	CESA ITP or NCCP/LSAA
Solar Thermal	CEQA/ License	PPA Approval	--	--	FESA Section 10a or Section 7	CEC Consultation
Biofuels - Generation	CEQA/ License	PPA Approval	--	--	FESA Section 10a or Section 7	CEC Consultation
Geothermal	CEQA/ License	PPA Approval	--	--	FESA Section 10a or Section 7	CEC Consultation

* - assumes FESA species present

** - assumes CESA species present, CESA Consistency Determination may be applicable

Permit Matrix

Projects > 50 MW on Public Lands

	CEC	CPUC	LOCAL	BLM	USFWS*	CDFG**
Wind	--	PPA Approval	--	NEPA/ ROW	FESA Section 7	CEQA/CESA ITP or NCCP/ LSAA
Solar PV	--	PPA Approval	--	NEPA/ ROW	FESA Section 7	CEQA/CESA ITP or NCCP/ LSAA
Solar Thermal	CEQA/ License	PPA Approval	--	NEPA/ ROW	FESA Section 7	CEC Consultation
Biofuels - Generation	CEQA/ License	PPA Approval	--	NEPA/ ROW	FESA Section 7	CEC Consultation
Geothermal	CEQA/ License	PPA Approval	--	NEPA/ ROW	FESA Section 7	CEC Consultation

* - assumes FESA species present

** - assumes CESA species present, CESA Consistency Determination may be applicable

Permit Matrix

Projects < 50 MW on Private Lands

	CEC	CPUC	LOCAL	BLM	USFWS*	CDFG**
Wind	--	PPA Approval	CEQA/ CUP	--	FESA Section 10a or Section 7	CESA ITP or NCCP/ LSAA
Solar PV	--	PPA Approval	CEQA/ CUP	--	FESA Section 10a or Section 7	CESA ITP or NCCP/ LSAA
Solar Thermal	--	PPA Approval	CEQA/ CUP	--	FESA Section 10a or Section 7	CESA ITP or NCCP/ LSAA
Biofuels - Generation	--	PPA Approval	CEQA/ CUP	--	FESA Section 10a or Section 7	CESA ITP or NCCP/ LSAA
Geothermal	--	PPA Approval	CEQA/ CUP	--	FESA Section 10a or Section 7	CESA ITP or NCCP/ LSAA

* - assumes FESA species present

** - assumes CESA species present, CESA Consistency Determination may be applicable

Permit Matrix

Projects < 50 MW on Public Lands

	CEC	CPUC	LOCAL	BLM	USFWS*	CDFG**
Wind	--	PPA Approval	--	NEPA/ ROW	FESA Section 7	CEQA/CESA ITP or NCCP/ LSAA
Solar PV	--	PPA Approval	--	NEPA/ ROW	FESA Section 7	CEQA/CESA ITP or NCCP/ LSAA
Solar Thermal	--	PPA Approval	--	NEPA/ ROW	FESA Section 7	CEQA/CESA ITP or NCCP/ LSAA
Biofuels - Generation	--	PPA Approval	--	NEPA/ ROW	FESA Section 7	CEQA/CESA ITP or NCCP/ LSAA
Geothermal	--	PPA Approval	--	NEPA/ ROW	FESA Section 7	CEQA/CESA ITP or NCCP/ LSAA

* - assumes FESA species present

** - assumes CESA species present, CESA Consistency Determination may be applicable